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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION OR : Administrative Action
REVOCATION OF THE LICENSE OF :

JAMES RYNAR, D.M.D. : CONSENT ORDER

TO PRACTICE DENTISTRY IN THE STATE :
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry (Board) upon receipt of a patient complaint from Helen Steinmetz concerning dental treatment performed by James Rynar, D.M.D., consisting, in pertinent part, of a MB root amputation on tooth #3. In providing a written response to the Board regarding the complaint, Dr. Rynar described the post-operative treatments rendered to Helen Steinmetz. With regard to the first post-operative treatment he stated that he permitted his assistant, Wanda King, to remove sutures, change the dressings, thoroughly lavage the area with a warm solution of hydrogen peroxide and

water, lightly scale and polish and apply a new periodontal dressing. For the second, post-operative visit, he stated that his assistant, Michele Marzarella, lightly scaled and polished the area, among other duties. Thereafter, the Board received a Report of Investigation from the Enforcement Bureau, Division of Consumer Affairs, which alleged that Dr. Rynar permitted assistants in his dental practice to perform duties reserved for licensed dental auxiliaries authorized to perform such duties. The Board reviewed the entire record in this matter and acquired additional information at an investigative inquiry attended by Dr. Rynar along with counsel. Current employees of Dr. Rynar, Laura Speirs, a registered dental hygienist/office manager, Myra Marquez, dental assistant, and Michelle Marzarella, a dental assistant, testified at the investigative inquiry. In addition, Lorraine Wescher and Wanda King, who were formerly employed as dental assistants by Dr. Rynar, testified at the investigative inquiry. The investigation revealed that Dr. Rynar provided training to unlicensed assistants and on numerous occasions he has permitted unlicensed assistants to perform duties reserved for licensed dental auxiliaries under N.J.S.A. 45:6-48 et seq. It appearing that the parties wish to resolve this matter without recourse to formal proceeding and for good cause shown;

THEREFORE, IT IS ON THIS 3rd DAY OF *June*, 1998,

ORDERED:

1. Respondent's license to practice dentistry in the State of New Jersey shall be and hereby is suspended for a period of

sixty (60) days, the first twenty (20) days active and the remainder stayed on the condition that respondent fully complies with the terms of this Order which shall commence upon July 1, 1998 through July 20, 1998. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of suspension by other licensees for patients of respondent's practice. Except for the purpose of receiving treatment as a bona fide dental patient, respondent shall not enter upon or be present within the premises of any dental facility during the period of suspension or provide any consultation to other licensees rendering treatment to any dental patients or sign or submit any insurance claim form for treatment rendered during the period of suspension. On or before the effective date of the suspension, respondent shall tender his dentistry license, to the Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102 or surrender such credentials to the Board's designee.


2. Respondent is hereby assessed a civil penalty in the amount of \$25,000 and costs of \$3,407.83 to be paid contemporaneously with the tender of this Order for entry. Said monies shall be submitted to the Board of certified check or money order made payable to the State of New Jersey, State Board of Dentistry.

3. Respondent shall cease and desist from permitting any unlicensed assistants to perform any acts which are not authorized and permissible pursuant to the Dental Auxiliaries Act,

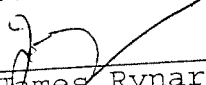
N.J.S.A.45:6-48 et seq, and the Board's regulations, N.J.A.C.13:30-2.1 et seq. A Board of Dentistry chart which demonstrates with an "X" the duties which may be permissibly delegated to dental auxiliaries is attached hereto and is made a part of this Order by reference.

4. Respondent is hereby reprimanded by the Board for permitting unlicensed persons to perform those acts specified by the Dental Auxiliaries Act and the regulations thereunder to be performed only by licensed dental auxiliaries in this State.

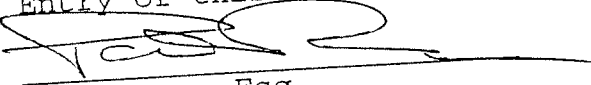
NEW JERSEY STATE BOARD OF DENTISTRY.

By: 
D.D.S., PRESIDENT

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


James Rynar, D.M.D.

I consent to have form & Entry of this Order.


Paul Rowe, Esq.

month internship program in the office and under the direct supervision of a New Jersey licensed dentist as set forth in N.J.A.C. 13:30-2A.

(b) Candidates for registered dental assistant or limited registered dental assistant shall have satisfactorily completed the Certification Examination administered by the Dental Assisting National Board within 10 years prior to the application.

(c) All registered dental assistants shall furnish the Board with proof of one of the following:

1. A certificate of graduation from an approved educational program in dental assisting in which the expanded functions or duties as listed in N.J.A.C. 13:30-2.4(a) are taught;

2. A certificate of successful completion of an examination for clinical competency in expanded functions in dental assisting administered by the Board or its delegated authority;

3. A certificate of successful completion of an approved program in expanded functions in dental assisting. The Board may recognize the following as providers of approved programs in expanded functions:

i. An institution approved by the Commission on Dental Accreditation;

ii. Institutions of higher education which have met the standards of the Commission of Higher Education or a regional agency recognized by the council on Post-Secondary Accreditation;

iii. In-service training programs conducted at the graduate level by agencies of the Federal, State, or local government; and

iv. Internship and residency programs conducted in hospitals which are approved by the Council on Hospital Dental Services of the American Dental Association; or

4. A certificate of successful completion of a three-month internship program as set forth in N.J.A.C. 13:30-2A together with a certificate of successful completion of the Registered Dental Assistant or Limited Registered Dental Assistant Certification Examination administered by the Dental Assisting National Board.

Amended by R.1997 d.44, effective January 21, 1997.

See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).

In (a), inserted reference to limited registered dental assistance; inserted (a)2ii; in (b), inserted reference to registered dental assistance and limited registered dental assistance; and added (c)4.

13:30-2.3 Duties of licensed dental hygienist

(a) A licensed dental hygienist practicing under the direct supervision of a licensed dentist may:

1. Perform a complete prophylaxis including the removal of all hard and soft deposits from all surfaces of human natural and restored teeth to the epithelial attachments and the polishing of natural and restored teeth. Root planing may be performed as a separate procedure or as part of the prophylaxis;

2. Provide prophylactic and preventive measures such as the application of fluorides and pit and fissure sealants and other recognized topical agents for the prevention of oral disease or discomfort;

3. Examine soft and hard tissue of the head, neck and oral cavity; note deformities, defects and abnormalities therein;

4. Fabricate athletic mouth guard appliances;

5. Place and remove rubber dams;

6. Place and remove matrices and wedges;

7. Place temporary sedative restorations;

8. Remove excess cement from crowns or other restorations and orthodontic appliances;

9. Remove sutures;

10. Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This does not include intra-oral occlusal adjustment;

11. Take impressions for diagnostic models and models to be used as counters for fixed or removable prostheses;

12. Place amalgam and gold foil in a tooth for condensation by the dentist;

13. Place and remove retraction cords and medicated pellets;

14. Perform bite registration procedures to determine occlusal relationship of diagnostic models only;

15. Place and remove periodontal dressings and other surgical dressings;

16. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally;

17. Prepare teeth for bonding;

18. Remove arch wires and ligature wires;

19. Make radiographic exposures as permitted by the Department of Environmental Protection;

20. Provide oral health education such as, but not limited to, dietary analysis and clinical instruction in order to promote dental health;

21. Apply topical anesthetic agents;

22. Take and record vital signs;

23. Retract patient's cheek, tongue or other tissue parts during a dental operation;

24. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

25. Isolate the operative field, not to include rubber dam;

26. Trial size (pre-select) orthodontic bands, wires, stainless steel crown and temporary crowns on a diagnostic model;

27. Hold a curing light in the process of restoring a tooth;

28. Take dental photographs including the use of intra-oral cameras;

29. Select shades for prosthetic appliances; and

30. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(b) A licensed dental hygienist practicing within an institution subject to the supervision of a New Jersey licensed dentist in the institution may:

1. Perform a complete prophylaxis including the removal of all hard and soft deposits from all surfaces of human natural and restored teeth to the epithelial attachments and the polishing of natural and restored teeth. Root planing may be performed as a separate procedure or as part of the prophylaxis;

2. Provide prophylactic and preventive measures such as the application of fluorides and pit and fissure sealants and other recognized topical agents for the prevention of oral disease or discomfort;

3. Examine soft and hard tissue of the head, neck and oral cavity, and note deformities, defects and abnormalities therein;

4. Make radiographic exposures as permitted by the Department of Environmental Protection;

5. Provide oral health education such as, but not limited to, dietary analysis and clinical instruction in order to promote dental health;

6. Take and record vital signs; and

7. Take dental photographs including the use of intra-oral cameras.

(c) Each licensed dentist may utilize no more than two licensed dental hygienists at one time in a dental office.

13:30-2.4 Duties of a registered dental assistant, a limited registered dental assistant, and a dental assistant without registration

(a) A registered dental assistant may perform the following duties under the direct supervision of a licensed dentist:

1. Place and remove rubber dams;

2. Place and remove matrices and wedges;

3. Place temporary sedative restorations;

4. Remove excess cement from crowns or other restorations and orthodontic appliances;

5. Remove sutures;

6. Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This does not include intra-oral occlusal adjustment;

7. Take impressions for diagnostic models and models to be used as counters for fixed or removable prostheses;

8. Place amalgam and gold foil in a tooth for condensation by the dentist;

9. Place and remove retraction cords and medicated pellets;

10. Perform bite registration procedures to determine occlusal relationships of diagnostic models only;

11. Place and remove periodontal dressings and other surgical dressings;

12. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally;

13. Prepare teeth for bonding not to include prophylaxis;

14. Remove arch wires and ligature wires;

15. Take impressions for and perform laboratory fabrication of athletic mouth guards not to include insertion of the appliance;

16. Make radiographic exposures as permitted by the Department of Environmental Protection;

17. Provide oral health education such as, but not limited to, dietary analysis and clinical instruction in order to promote dental health;

18. Apply topical anesthetic agents;

19. Take and record vital signs;

20. Retract patient's cheek, tongue or other tissue parts during a dental operation;

21. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

22. Isolate the operative field, not to include rubber dam;

23. Trial size (pre-select) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model;

24. Hold a curing light in the process of restoring a tooth;

25. Take dental photographs including the use of intra-oral cameras;

26. Select shades of prosthetic appliances; and

27. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(b) A limited registered dental assistant in orthodontics may perform the following duties under the direct supervision of a New Jersey licensed dentist who has obtained a Board permit number to announce a specialty in orthodontics:

1. Take impressions for diagnostic models and models to be used as counters for fixed or removable prostheses;

2. Take impressions for and perform laboratory fabrication of athletic mouth guards not to include insertion of the appliance;

3. Make radiographic exposures as permitted by the Department of Environmental Protection;

4. Isolate the operative field, not to include rubber dam;

5. Pre-select (trial size) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally;

6. Pre-select (trial size) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model;

7. Prepare teeth for bonding not to include prophylaxis;

8. Take dental photographs including the use of intra-oral cameras;

9. Perform bite registration procedures to determine occlusal relationships of diagnostic models only;

10. Remove excess cement from crowns and other restorations and orthodontic appliances;

11. Remove arch wires and ligature wires;

12. Provide oral health education such as, but not limited to, dietary analysis and clinical instruction in order to promote dental health; and

13. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water.

(c) A dental assistant who has not obtained a registration from the Board may perform the following duties under the direct supervision of a licensed dentist:

1. Make radiographic exposures as permitted by the Department of Environmental Protection;

2. Provide oral health education such as, but not limited to, dietary analysis and clinical instruction in order to promote dental health;

3. Apply topical anesthetic agents;

4. Take and record vital signs;

5. Retract patient's cheek, tongue or other tissue parts during a dental operation;

6. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

7. Isolate the operative field, not to include rubber dam;

8. Trial size (pre-select) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model only;

9. Hold a curing light in the process of restoring a tooth;

10. Take dental photographs including the use of intra-oral cameras;

11. Select shades for prosthetic appliances; and

12. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(d) A dental assistant may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis does not require any intra-oral procedure and will be thereafter inserted by a licensed dentist.

Amended by R.1997 d.44, effective January 21, 1997.

See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).

Inserted new (b); and recodified former (b) and (c) as (c) and (d).

13:30-2.5 Continuing education requirements; dental hygienists and dental assistants

(a) All licensed dental hygienists, registered dental assistants and limited registered dental assistants shall submit proof of completion of 10 hours of continuing education every two years at the time of registration renewal. No more than four hours of continuing education in the two year period may be fulfilled through home study courses.

(b) An acceptable form of continuing education shall directly enhance the licensee or registrant's knowledge, skill or competence in dental service to the community.

(c) The following shall be considered acceptable forms of continuing education:

1. Scientific courses applicable to the delivery of dental care, including, but not limited to, preventive services, radiography, dental photography, nutrition, patient counseling, community health, C.P.R. certification, and infection control;